



Senate

General Assembly

File No. 140

January Session, 2015

Substitute Senate Bill No. 1007

Senate, March 19, 2015

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PERMANENCY PLACEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (k) of section 46b-129 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (k) (1) (A) Nine months after placement of the child or youth in the
5 care and custody of the commissioner pursuant to a voluntary
6 placement agreement, or removal of a child or youth pursuant to
7 section 17a-101g or an order issued by a court of competent
8 jurisdiction, whichever is earlier, the commissioner shall file a motion
9 for review of a permanency plan if the child or youth has not reached
10 his or her eighteenth birthday. Nine months after a permanency plan
11 has been approved by the court pursuant to this subsection or
12 subdivision (5) of subsection (j) of this section, the commissioner shall
13 file a motion for review of the permanency plan. Any party seeking to
14 oppose the commissioner's permanency plan, including a relative of a

15 child or youth by blood or marriage who has intervened pursuant to
16 subsection (d) of this section and is licensed as a foster parent for such
17 child or youth or is vested with such child's or youth's temporary
18 custody by order of the court, shall file a motion in opposition not later
19 than thirty days after the filing of the commissioner's motion for
20 review of the permanency plan, which motion shall include the reason
21 therefor. A permanency hearing on any motion for review of the
22 permanency plan shall be held not later than ninety days after the
23 filing of such motion. The court shall hold evidentiary hearings in
24 connection with any contested motion for review of the permanency
25 plan and credible hearsay evidence regarding any party's compliance
26 with specific steps ordered by the court shall be admissible at such
27 evidentiary hearings. The commissioner shall have the burden of
28 proving that the proposed permanency plan is in the best interests of
29 the child or youth. After the initial permanency hearing, subsequent
30 permanency hearings shall be held not less frequently than every
31 twelve months while the child or youth remains in the custody of the
32 Commissioner of Children and Families or, if the youth is over
33 eighteen years of age, while the youth remains in voluntary placement
34 with the department. The court shall provide notice to the child or
35 youth, the parent or guardian of such child or youth, and any
36 intervenor of the time and place of the court hearing on any such
37 motion not less than fourteen days prior to such hearing.

38 (B) (i) If a child is at least twelve years of age, the child's
39 permanency plan, and any revision to such plan, shall be developed in
40 consultation with the child. In developing or revising such plan, the
41 child may consult up to two individuals participating in the
42 department's case plan regarding such child, neither of whom shall be
43 the foster parent or caseworker of such child. One individual so
44 selected by such child may be designated as the child's advisor for
45 purposes of developing or revising the permanency plan.

46 (ii) If a child is at least twelve years of age, the commissioner shall
47 notify the parent or guardian, foster parent and child of any
48 administrative case review regarding such child's commitment not less

49 than five days prior to such review and shall make a reasonable effort
50 to schedule such review at a time and location that allows the parent or
51 guardian, foster parent and child to attend.

52 (iii) If a child is at least twelve years of age, such child shall identify
53 not more than three adults with whom such child has a significant
54 relationship and who may serve as permanency resource. The identity
55 of such adults shall be recorded in the case plan of such child.

56 (iv) Not later than January 1, 2016, and annually thereafter, the
57 commissioner shall submit a report, in accordance with the provisions
58 of section 11-4a, to the joint standing committees of the General
59 Assembly having cognizance of matters relating to children and
60 judiciary, on the number of case plans in which children have
61 identified adults with whom they have a significant relationship and
62 who may serve as permanency resource.

63 (2) At a permanency hearing held in accordance with the provisions
64 of subdivision (1) of this subsection, the court shall approve a
65 permanency plan that is in the best interests of the child or youth and
66 takes into consideration the child's or youth's need for permanency.
67 The child's or youth's health and safety shall be of paramount concern
68 in formulating such plan. Such permanency plan may include the goal
69 of (A) revocation of commitment and reunification of the child or
70 youth with the parent or guardian, with or without protective
71 supervision; (B) transfer of guardianship or permanent legal
72 guardianship; (C) long-term foster care with a relative licensed as a
73 foster parent; (D) filing of termination of parental rights and adoption;
74 or (E) in the case of a youth, another planned permanent living
75 arrangement ordered by the court, provided the Commissioner of
76 Children and Families has documented a compelling reason why it
77 would not be in the best interests of the [child or] youth for the
78 permanency plan to include the goals in subparagraphs (A) to (D),
79 inclusive, of this subdivision. Such other planned permanent living
80 arrangement shall, whenever possible, include an adult who has
81 significant relationship with the youth, and who is willing to be a

82 permanency resource, and may include, but not be limited to,
83 placement of a child or youth in an independent living program or
84 long term foster care with an identified foster parent.

85 (3) If the permanency plan for the youth includes the goal of such
86 other planned permanent living arrangement pursuant to
87 subparagraph (E) of subdivision (2) of this subsection, the department
88 shall document for the court the manner and frequency of efforts made
89 by the department to return the youth home or to secure placement for
90 the youth with a fit and willing relative, legal guardian or adoptive
91 parent.

92 (4) If the permanency plan for the youth includes the goal of such
93 other planned permanent living arrangement pursuant to
94 subparagraph (E) of subdivision (2) of this subsection, the court shall
95 (A) ask the youth about his or her desired permanency outcome; (B)
96 make a judicial determination that, as of the date of hearing, such other
97 planned permanent living arrangement is the best permanency plan
98 for the youth; and (C) document the compelling reasons why it is not
99 in the best interest of the youth to return home or to be placed with a
100 fit and willing relative, legal guardian or adoptive parent.

101 [(3)] (5) At a permanency hearing held in accordance with the
102 provisions of subdivision (1) of this subsection, the court shall review
103 the status of the child or youth, the progress being made to implement
104 the permanency plan, determine a timetable for attaining the
105 permanency plan, determine the services to be provided to the parent
106 if the court approves a permanency plan of reunification and the
107 timetable for such services, and determine whether the commissioner
108 has made reasonable efforts to achieve the permanency plan. The court
109 may revoke commitment if a cause for commitment no longer exists
110 and it is in the best interests of the child or youth.

111 [(4)] (6) If the court approves the permanency plan of adoption: (A)
112 The Commissioner of Children and Families shall file a petition for
113 termination of parental rights not later than sixty days after such
114 approval if such petition has not previously been filed; (B) the

115 commissioner may conduct a thorough adoption assessment and
116 child-specific recruitment; and (C) the court may order that the child or
117 youth be photo-listed within thirty days if the court determines that
118 such photo-listing is in the best interests of the child or youth. As used
119 in this subdivision, "thorough adoption assessment" means conducting
120 and documenting face-to-face interviews with the child or youth,
121 foster care providers and other significant parties and "child specific
122 recruitment" means recruiting an adoptive placement targeted to meet
123 the individual needs of the specific child or youth, including, but not
124 limited to, use of the media, use of photo-listing services and any other
125 in-state or out-of-state resources that may be used to meet the specific
126 needs of the child or youth, unless there are extenuating circumstances
127 that indicate that such efforts are not in the best interests of the child or
128 youth.

129 Sec. 2. Section 17a-10a of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2015*):

131 (a) The Commissioner of Children and Families shall ensure that a
132 child placed in the care and custody of the commissioner pursuant to
133 an order of temporary custody or an order of commitment is provided
134 visitation with such child's parents and siblings, unless otherwise
135 ordered by the court.

136 (b) The commissioner shall ensure that such child's visits with his or
137 her parents shall occur as frequently as reasonably possible, based
138 upon consideration of the best interests of the child, including the age
139 and developmental level of the child, and shall be sufficient in number
140 and duration to ensure continuation of the relationship.

141 (c) If such child has an existing relationship with a sibling and is
142 separated from such sibling as a result of intervention by the
143 commissioner including, but not limited to, placement in a foster home
144 or in the home of a relative, the commissioner shall, based upon
145 consideration of the best interests of the child, ensure that such child
146 has access to and visitation rights with such sibling throughout the
147 duration of such placement. In determining the number, frequency

148 and duration of sibling visits, the commissioner shall consider the best
149 interests of each sibling, given each child's age and developmental
150 level and the continuation of the sibling relationship. If the child and
151 his or her sibling both reside within the state and within fifty miles of
152 each other, the commissioner shall, within available appropriations,
153 ensure that such child's visits with his or her sibling occur, on average,
154 not less than once per week, unless the commissioner finds that the
155 frequency of such visitation is not in the best interests of each sibling.

156 (d) The commissioner shall include in each child's plan of treatment
157 information relating to the factors considered in making visitation
158 determinations pursuant to this section. If the commissioner
159 determines that such visits are not in the best interests of the child, that
160 the occurrence of, on average, not less than one visit per week with his
161 or her sibling is not in the best interests of each sibling, or that the
162 number, frequency or duration of the visits requested by the child's
163 attorney or guardian ad litem is not in the best interests of the child,
164 the commissioner shall include the reasons for such determination in
165 the child's plan of treatment.

166 (e) On or before October first of each year, the commissioner shall
167 report, in accordance with the provisions of section 11-4a, to the joint
168 standing committee of the General Assembly having cognizance of
169 matters relating to children, data sufficient to demonstrate compliance
170 with subsections (a), (c) and (d) of this section. Such data shall include
171 the total annual number of children in out-of-home placements who
172 have siblings, the total number of child cases with documented sibling
173 visitation and the number of individual siblings involved in each case.

174 Sec. 3. Section 45a-715 of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective October 1, 2015*):

176 (a) Any of the following persons may petition the Court of Probate
177 to terminate parental rights of all persons who may have parental
178 rights regarding any minor child or for the termination of parental
179 rights of only one parent provided the application so states: (1) Either
180 or both parents, including a parent who is a minor; (2) the guardian of

181 the child; (3) the selectmen of any town having charge of any
182 foundling child; (4) a duly authorized officer of any child care facility
183 or child-placing agency or organization or any children's home or
184 similar institution approved by the Commissioner of Children and
185 Families; (5) a relative of the child if the parent or parents have
186 abandoned or deserted the child; (6) the Commissioner of Children
187 and Families, provided the custodial parent of such minor child has
188 consented to the termination of parental rights and the child has not
189 been committed to the commissioner, and no application for
190 commitment has been made; provided in any case hereunder where
191 the child with respect to whom the petition is brought has attained the
192 age of twelve, the child shall join in the petition.

193 (b) A petition for termination of parental rights shall be entitled "In
194 the interest of (Name of child), a person under the age of eighteen
195 years", and shall set forth with specificity: (1) The name, sex, date and
196 place of birth, and present address of the child; (2) the name and
197 address of the petitioner, and the nature of the relationship between
198 the petitioner and the child; (3) the names, dates of birth and addresses
199 of the parents of the child, if known, including the name of any
200 putative father named by the mother, and the tribe and reservation of
201 an American Indian parent; (4) if the parent of the child is a minor, the
202 names and addresses of the parents or guardian of the person of such
203 minor; (5) the names and addresses of: (A) The guardian of the person
204 of the child; (B) any guardians ad litem appointed in a prior
205 proceeding; (C) the tribe and reservation of an American Indian child;
206 and (D) the child-placing agency which placed the child in his current
207 placement; (6) the facts upon which termination is sought, the legal
208 grounds authorizing termination, the effects of a termination decree
209 and the basis for the jurisdiction of the court; (7) the name of the
210 persons or agencies which have agreed to accept custody or
211 guardianship of the child's person upon disposition.

212 (c) If the information required under subdivisions (2) and (6) of
213 subsection (b) of this section is not stated, the petition shall be
214 dismissed. If any other facts required under subdivision (1), (3), (4), (5)

215 or (7) of subsection (b) of this section are not known or cannot be
216 ascertained by the petitioner, he shall so state in the petition. If the
217 whereabouts of either parent or the putative father named under
218 subdivision (3) of subsection (b) of this section are unknown, the
219 petitioner shall diligently search for any such parent or putative father.
220 The petitioner shall file an affidavit with the petition indicating the
221 efforts used to locate the parent or putative father.

222 (d) If a petition indicates that either or both parents consent to the
223 termination of their parental rights, or if at any time following the
224 filing of a petition and before the entry of a decree a parent consents to
225 the termination of his parental rights, each consenting parent shall
226 acknowledge such consent on a form promulgated by the Office of the
227 Chief Court Administrator evidencing to the satisfaction of the court
228 that the parent has voluntarily and knowingly consented to the
229 termination of his parental rights. No consent to termination by a
230 mother shall be executed within forty-eight hours immediately after
231 the birth of her child. A parent who is a minor shall have the right to
232 consent to termination of parental rights and such consent shall not be
233 voidable by reason of such minority. A guardian ad litem shall be
234 appointed by the court to assure that such minor parent is giving an
235 informed and voluntary consent.

236 (e) A petition under this section shall be filed in the court of probate
237 for the district in which the petitioner or the child resides or, in the
238 case of a minor who is under the guardianship of any child care facility
239 or child-placing agency, in the court of probate for the district in which
240 the main office or any local office of the agency is located. If the
241 petition is filed with respect to a child born out of wedlock, the petition
242 shall state whether there is a putative father to whom notice shall be
243 given under subdivision (2) of subsection (b) of section 45a-716.

244 (f) If any petitioner under subsection (a) is a minor or incompetent,
245 the guardian ad litem, appointed by the court in accordance with
246 section 45a-708, must approve the petition in writing, before action by
247 the court.

248 (g) Before a hearing on the merits in any case in which a petition for
249 termination of parental rights is contested in a court of probate, the
250 court of probate shall, on the motion of any legal party except the
251 petitioner, or may on its own motion or that of the petitioner, transfer
252 the case to the Superior Court in accordance with rules adopted by the
253 judges of the Supreme Court. In addition to the provisions of this
254 section, the probate court may, on the court's own motion or that of
255 any interested party, transfer any termination of parental rights case to
256 a regional children's probate court established pursuant to section 45a-
257 8a. If the case is transferred, the clerk of the Court of Probate shall
258 transmit to the clerk of the Superior Court or the regional children's
259 probate court to which the case was transferred, the original files and
260 papers in the case. The Superior Court or the regional children's
261 probate court to which the case was transferred, upon hearing after
262 notice as provided in sections 45a-716 and 45a-717, may grant the
263 petition as provided in section 45a-717.

264 (h) Either or both birth parents and an intended adoptive parent
265 may enter into a cooperative postadoption agreement regarding
266 communication or contact between either or both birth parents and the
267 adopted child. Such an agreement may be entered into if: (1) The child
268 is in the custody of the Department of Children and Families; (2) an
269 order terminating parental rights has not yet been entered; and (3)
270 either or both birth parents agree to a voluntary termination of
271 parental rights, including an agreement in a case which began as an
272 involuntary termination of parental rights. The postadoption
273 agreement shall be applicable only to a birth parent who is a party to
274 the agreement. Such agreement shall be in addition to those under
275 common law. Counsel for the child and any guardian ad litem for the
276 child may be heard on the proposed cooperative postadoption
277 agreement. There shall be no presumption of communication or
278 contact between the birth parents and an intended adoptive parent in
279 the absence of a cooperative postadoption agreement.

280 (i) If the Court of Probate determines that the child's best interests
281 will be served by postadoption communication or contact with either

282 or both birth parents, the court shall so order, stating the nature and
283 frequency of the communication or contact. A court may grant
284 postadoption communication or contact privileges if: (1) Each intended
285 adoptive parent consents to the granting of communication or contact
286 privileges; (2) the intended adoptive parent and either or both birth
287 parents execute a cooperative agreement and file the agreement with
288 the court; (3) consent to postadoption communication or contact is
289 obtained from the child, if the child is at least twelve years of age; and
290 (4) the cooperative postadoption agreement is approved by the court.

291 (j) A cooperative postadoption agreement shall contain the
292 following: (1) An acknowledgment by either or both birth parents that
293 the termination of parental rights and the adoption is irrevocable, even
294 if the adoptive parents do not abide by the cooperative postadoption
295 agreement; and (2) an acknowledgment by the adoptive parents that
296 the agreement grants either or both birth parents the right to seek to
297 enforce the cooperative postadoption agreement.

298 (k) The terms of a cooperative postadoption agreement may include
299 the following: (1) Provision for communication between the child and
300 either or both birth parents; (2) provision for future contact between
301 either or both birth parents and the child or an adoptive parent; and (3)
302 maintenance of medical history of either or both birth parents who are
303 a party to the agreement.

304 (l) The order approving a cooperative postadoption agreement shall
305 be made part of the final order terminating parental rights. The finality
306 of the termination of parental rights and of the adoption shall not be
307 affected by implementation of the provisions of the postadoption
308 agreement, nor is the cooperative postadoption contingent upon the
309 finalization of an adoption. Such an agreement shall not affect the
310 ability of the adoptive parents and the child to change their residence
311 within or outside this state.

312 (m) A disagreement between the parties or litigation brought to
313 enforce or modify the agreement shall not affect the validity of the
314 termination of parental rights or the adoption and shall not serve as a

315 basis for orders affecting the custody of the child. The court shall not
316 act on a petition to change or enforce the agreement unless the
317 petitioner had participated, or attempted to participate, in good faith
318 in mediation or other appropriate dispute resolution proceedings to
319 resolve the dispute and allocate any cost for such mediation or dispute
320 resolution proceedings.

321 (n) An adoptive parent, guardian ad litem for the child or the court
322 on its own motion may, at any time, petition for review of
323 communication or contact ordered pursuant to subsection (i) of this
324 section, if the adoptive parent believes that the best interests of the
325 child are being compromised. The court may order the communication
326 or contact be terminated, or order such conditions in regard to
327 communication or contact as the court deems to be in the best interest
328 of the adopted child.

329 (o) For any child who is (1) in the custody of the Commissioner of
330 Children and Families due to the termination of parental rights
331 pursuant to section 45a-717; and (2) the subject of a petition for
332 adoption under this chapter, the court shall consider the
333 appropriateness of postadoption communication or contact with a
334 sibling of such child, including, but not limited to, visitation, written
335 correspondence or telephone calls. If the court determines such
336 postadoption communication or contact is in the best interest of the
337 child, the court shall ensure that such child has access to and visitation
338 rights with such sibling throughout the duration of such adoption.

339 (p) The court shall consider the following factors in determining
340 whether postadoption communication or contact with a sibling is in
341 the best interest of the child: (1) The age of the child and his or her
342 sibling; (2) the extent of the existing relationship between the child and
343 his or her sibling; (3) the physical, emotional and psychological needs,
344 including any special needs, and stability of the child and his or her
345 sibling; (4) the child's opinion and the opinion of his or her sibling
346 regarding such postadoption communication or contact; (5) the
347 opinion of the adoptive parent regarding such postadoption

348 communication or contact; (6) opinions of experts, including any
 349 individuals who may have provided services to the child or his or her
 350 sibling; (7) the long-term plans for the child and his or her sibling; and
 351 (8) any relevant logistical concerns.

352 (q) Any determination of the court pursuant to subdivision (o) of
 353 this section shall be included in the final adoption order, but such
 354 determination shall not affect the validity of the adoption. Nothing in
 355 this subsection shall limit the authority of the court to enforce its
 356 orders in any manner permitted by law.

357 (r) An adoptive parent may, at any time, petition the court to review
 358 its determination regarding postadoption communication or contact
 359 between a child and his or her sibling. Upon receiving such petition,
 360 the court shall conduct a review of its determination using the factors
 361 listed in subsection (p) of this section and may order the
 362 communication or contact to be terminated or modified if the court
 363 determines that such termination or modification is in the best interest
 364 of the child. If any dispute arises pursuant to such review, the court
 365 may order the parties to engage in mediation.

366 (s) The court shall not, pursuant to the review required under
 367 subsection (r) of this section, increase communication or contact
 368 between the adopted child and his or her sibling, birth parent or other
 369 relative unless the court (1) receives consent from the adoptive parent;
 370 and (2) inquires about and considers the opinion of the child regarding
 371 such increase.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	46b-129(k)
Sec. 2	October 1, 2015	17a-10a
Sec. 3	October 1, 2015	45a-715

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill implements provisions of the federal Preventing Sex Trafficking and Strengthening Families Act. The bill makes various procedure changes to the planning process for certain children under the care and custody of the Department of Children and Families that do not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1007*****AN ACT CONCERNING PERMANENCY PLACEMENTS.*****SUMMARY:**

By law, the Department of Children and Families (DCF) must establish and periodically revise permanency plans for children in its care or custody, which include abused and neglected children, delinquents, and children in its voluntary services program (i.e., children whose mental health needs could not otherwise be met). This bill makes certain changes to the permanency plan requirements for children age 12 and older committed to the department voluntarily or for abuse or neglect.

It requires the commissioner to consult with the child when developing and revising the plan and allows the child in turn to consult with two adults, one of whom may be designated his or her permanency plan advisor. It also requires the child to identify up to three adults to serve as permanency resources. The DCF commissioner, by January 1, 2016, must begin annually reporting to the Children's and Judiciary committees the number of case plans in which children have identified such resources.

The bill limits the children who may have a permanency plan goal of "another planned living arrangement," such as an independent living program or long-term foster care with an identified foster parent, to those age 16 or 17 (i.e., youths). (The legal effect of this change is unclear, since statutes in the DCF and child welfare chapters with identical permanency plan goal provisions are unchanged by the bill.)

Additionally, the bill requires the commissioner to (1) make a reasonable effort to schedule any administrative case review of the

child's commitment at a time and location that allows the child and his or her parent or guardian and foster parent to attend and (2) provide them with at least five days' advance notice.

The bill also gives the probate court the authority to order post-adoption sibling visitation rights for adoptions that take place in that venue and requires the court to consider certain factors before making such a decision.

Finally, the bill makes several minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2015

PERMANENCY PLANS

Child Consultation and Participation

This bill requires the DCF commissioner to consult with any child age 12 and older in department custody voluntarily or because he or she was abused or neglected, when developing the child's permanency plan or plan revisions. The bill allows the child to consult up to two people who participate in his or her case plan, but not the child's foster parent or caseworker. One of the consultants may be designated the child's permanency plan development and revision advisor.

The child must also identify up to three adults with whom he or she has a significant relationship who may serve as permanency resources. Their names must be recorded in the child's case plan.

Another Planned Permanent Living Arrangement

Under current law, a child's permanency plan for children in DCF custody voluntarily or because of abuse or neglect may include a goal of parent or guardian reunification, guardianship transfer, long term foster care with a licensed relative, or termination of parental rights and adoption. If DCF has documented a compelling reason why these goals are not in the child's best interest, the goal may instead be another planned permanent living arrangement ordered by the court, such as an independent living program or long-term foster care with

an identified foster parent. The bill limits the children who may have another planned permanent living arrangement as a permanency plan goal to those age 16 or 17 (i.e., youths). (Permanency plans for children committed because they were abused or neglected last up to age 18; those for children voluntarily committed last until the end of the voluntary commitment, up to age 20.)

Under the bill, such arrangements must, whenever possible, include an adult willing to be a permanency resource who has a significant relationship with the youth.

For a youth with another planned permanent living arrangement as his or her permanency plan goal, the bill requires DCF to document for the court the type and frequency of efforts it makes to return the youth to his or her home or place him or her with a fit and willing relative, legal guardian, or adoptive parent.

For each of these youths, the court must:

1. ask the youth about his or her desired permanency outcome;
2. make a judicial determination that, as of the hearing date, the arrangement is the best permanency plan for the youth; and
3. document the compelling reasons why it is not in the youth's best interest to return home or be placed with a fit and willing relative, legal guardian, or adoptive parent.

POST-ADOPTION SIBLING VISITATION

By law, the Superior Court or probate court both have authority to preside over adoption petitions. For those that take place in probate court, the bill requires the court to consider if post-adoption communication or contact with a sibling is appropriate for each child who is (1) in DCF custody because parental rights were terminated and (2) the subject of an adoption petition. The communication or contact may include visitation, written correspondence, or telephone calls. If the court determines post-adoption communication or contact is in the

child's best interest, the court must ensure that the child has access to and visitation rights with his or her sibling throughout the adoption duration. When making that determination, the court must consider the child's and sibling's:

1. age and the extent of their existing relationship;
2. stability and physical, emotional, and psychological needs, including any special needs; and
3. opinions about post-adoption communication or contact.

The court must also consider (1) the adoptive parent's opinion about post-adoption communication or contact; (2) expert opinions, including from anyone who provided services to the child and sibling; (3) long-term plans for the child and sibling; and (4) any relevant logistical concerns.

Any decision the court makes about sibling visitation must be included in the final adoption order, but the determination does not affect the adoption's validity or limit the court's authority to legally enforce its orders.

The bill allows an adoptive parent, at any time, to petition the probate court to review its decision on post-adoption sibling communication or contact. The court, upon receiving the petition, may order that the communication or contact be terminated or modified, if doing so is in the child's best interest. The court may order the parties to engage in mediation if any dispute arises during the review.

Under the bill, the court cannot increase the communication or contact between the adopted child and his or her sibling or a birth parent or other relative unless the court (1) receives consent from the adopted parent and (2) inquires about and considers the child's opinion about the increase.

Reporting Requirements

By law, the DCF commissioner must annually report data to the

Children's Committee to demonstrate compliance with the sibling visitation laws. The bill specifies that the data must include the (1) annual number of children in out-of-home placements who have siblings, (2) number of child cases with documented sibling visitation, and (3) number of individual siblings involved in each case.

BACKGROUND

Related Bill

HB 6899, reported favorably by the Children's Committee, also limits the permanency plan goal of another planned permanent living arrangement to youths, and it eliminates the goal of long-term foster care with a relative.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 13 Nay 0 (03/05/2015)